

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

INSURED FINANCIAL SERVICES, a
Nebraska Limited Liability company,
Assignee,

Plaintiff,

vs.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

8:18-CV-93

ORDER

This matter is before the Court on the Magistrate Judge's Order and Findings and Recommendation ([filing 79](#)) recommending that the Court dismiss the plaintiff's claims. The Court will adopt the Magistrate Judge's findings and recommendation.

The plaintiff's repeated failure to comply with the Court's discovery orders is well-documented in the Magistrate Judge's findings. *See* [filing 79 at 1](#). Most recently, the Magistrate Judge entered an order ([filing 72](#)) on September 16, 2019, directing the plaintiff to produce certain documents. The plaintiff did not object to the Magistrate Judge's order, and did not comply with the order either. *See* [filing 75](#). The defendant filed a motion to compel ([filing 74](#)), and the Magistrate Judge entered an order ([filing 76](#)) on October 18, again ordering the plaintiff to comply. The plaintiff neither objected nor complied, so on November 14, the Magistrate Judge entered his findings and recommendation ([filing 79](#)). The time for objecting to the findings and recommendation has now passed. *See* [NECivR 72.2\(a\)](#); *see also* [Fed. R. Civ. P. 6\(d\)](#); [NECivR 6.1](#). No objection or other response has been made.

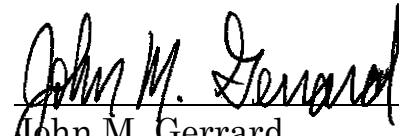
An involuntary dismissal for failure to comply with the Court's orders is within the Court's discretion. [Fed. R. Civ. P. 37\(b\)\(2\)\(A\)\(v\)](#); *see* [Fed. R. Civ. P. 41\(b\)](#); *see also* [Schooley v. Kennedy](#), 712 F.2d 372, 373-74 (8th Cir. 1983). And [28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate's findings or recommendations. [Peretz v. United States](#), 501 U.S. 923 (1991). The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. [Thomas v. Arn](#), 474 U.S. 140 (1985); [Leonard v. Dorsey & Whitney LLP](#), 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 79](#)) are adopted.
2. The plaintiff's complaint is dismissed with prejudice.
3. A separate judgment will be entered.

Dated this 3rd day of December, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge